

The Leesburg Planning Commission met on Thursday, May 5, 2005 in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Susan Swift, Christopher Murphy, Randy Greehan, David Fuller, Steve McGregor, Bruce Douglas, Nick Colonna and Linda DeFranco

### **CALL TO ORDER**

The meeting was called to order at 7:00pm by Chairman Vaughan.

### **PLEDGE OF ALLEGIANCE AND ROLL CALL**

Present: Chairman Vaughan  
Commissioner Bangert  
Commissioner Barnes  
Commissioner Hoovler  
Commissioner Jones  
Commissioner Kalriess  
Commissioner Wright  
Mayor Umstattd

NOTE: Commissioners Wright and Hoovler arrived at the meeting at approximately 7:45pm

### **ADOPTION OF AGENDA**

Commissioner Bangert moved to amend the agenda as follows: Remove the vote on TLSE 2004-018, Gatehouse Headend Facility since this has been deferred, and to move items 12-15 on the agenda up to a point prior to the Comprehensive Planning worksession.

Motion: Bangert  
Second: Kalriess  
Carried: 5-0

### **APPROVAL OF MINUTES**

Commissioner Jones moved to adopt the minutes of the March 28, 2005, March 31, 2005 and April 7, 2005 meetings as presented.

Motion: Jones  
Second: Kalriess  
Carried: March 28 – 5-0; March 31 – 4-0 Barnes abstained;  
April 7 – 5-0

**CHAIRMAN'S STATEMENT**

Chairman Vaughan noted that there is a public hearing this evening. Each speaker will be given 5 minutes to address the Commission. Also, there is a Petitioner Session which will also have a 5 minute timeframe for comment. Prior to the comprehensive plan discussion, they will discuss new business.

**PETITIONERS**

None

**PUBLIC HEARING**

TLSE 2004-0011, Hertz Car Rental. Phil Deleon of Vollmer Associates, and representative for the owner came forward to explain that they were addressing a 20 x 20 foot area of the existing auto body shop to provide a kiosk for car rental. There is no change proposed to the existing site. There will be designated spaces for the rental vehicles.

Christopher Murphy, Senior Planner presented the staff report. Essentially Hertz will be renting 400 square feet inside the Craftsman Auto Body Shop at 4 Cardinal Park Drive. And ten parking spaces will be used for storage of rental vehicles. Staff recommends approval of this application with conditions as follows: Lighting fixtures must avoid glare on surrounding areas and shall be used only during business hours, except for security lighting; dead plant material must be replaced; removal of Bradford Pears that are susceptible to limb breakage; concrete pad delineation for dumpster; no inoperable vehicles can be placed in the parking area; sales area must be within the enclosed building.

There were no speakers for the Public Hearing.

Commissioner Barnes asked Mr. Murphy if there was any other parking allowed on this lot? Mr. Deleon said they do allow some of the employees of surrounding businesses park there occasionally.

Commissioner Bangert asked if the other neighboring businesses had been notified? Mr. Murphy said yes, they had. Currently there are three dumpsters, will they all be enclosed? Yes, they will be. She asked if there had been any complaints about their operation. Ms. Swift responded that she was not aware of any.

Commissioner Kalriess asked about the dead shrubs, and are we asking them to remove the Bradford Pears? Mr. Murphy responded that the town arborist had looked at the trees and determined that in severe wind, they could cause damage. Mr. Kalriess asked if the applicant agreed to this. Michael McCarroll came forward and stated that they had pruned the trees to try and avoid this problem. He said he hates to cut down good trees

and replace them. Mr. Murphy said that it was suggested that they be removed, however, if they do fall, they won't do any damage except to maybe a car. Mr. Kalriess asked if an alternative was to add more plantings in the buffer zone.

Chairman Vaughan asked if they could possibly rewrite the condition to let the Bradford Pears stay until they die, and then replace them. Commissioner Bangert said how can we enforce this? Who will go out when the trees die and make sure that they are replaced?

Susan Swift said that the town arborist is encouraging the replacement of problem Bradford Pears. This is basically viewed as an opportunity to take care of a problem before it happens. Commissioner Vaughan said they are on private property, so if they fall on anything or cause injury then the owner's liability insurance will have to pay. He does not agree with asking someone to cut down perfectly good trees on their own property. Commissioner Kalriess reread the condition and said rather than remove them, leave them in place, and add more trees per the landscaping requirements set out in the zoning ordinance.

Chairman Vaughan asked if the rest of the Commission agreed with this. The Commission agreed.

Commissioner Bangert moved to suspend the rules regarding the ten day wait to vote on this application., and vote on this tonight.

Motion: Bangert  
Second: Jones  
Carried: 5-0

Commissioner Bangert moved to recommend approval of TLSE 2004-0001, Hertz Rental Car, with conditions enumerated in the staff report including the condition regarding the Bradford Pears.

Motion: Bangert  
Second: Barnes  
Carried: 5-0

### **New Business**

Commissioner Bangert said the joint meeting with the Town Council and the Board of Supervisors is scheduled for Monday, June 6. She urged the Planning commission members attend this meeting. Her concern is how the Planning Commission can assist the Town Council with this meeting. There will be a public hearing on May 10 and asked how the Commission felt about having the Planning Commission attend and have discussions regarding their plan for the UGA area or having a separate meeting with the Town Council.

Susan Swift said they really want to come to the worksession on Monday night. Chairman Vaughan said they are looking for a representative to give a presentation. Susan Swift said yes, they want an overview of where the Commission is on the land use map. The request is that one person explain the Commission's decisions and how they arrived at them.

Commissioner Jones asked if the staff has completed mapping with the suggested changes. He said for three months they have been thinking about this, and hoped that the Planning Commission would have evaluated that area by now and looked at the ramifications of the proposed development. He feels that it is clear that the Board Of Supervisors feels compelled to move forward on these applications, and the town has not yet gotten with the County. The town needs to have the tools in place to create a level playing field with the County. The County doesn't think the town has the authority they would like to have. No one wants to use annexation,. But this is the only tool that we have to effect our will on the UGA. If there is no planning effort to work toward this, then there needs to be a process that will allow us to make our point felt. Annexation is the only tool if we don't have joint planning process. Primary in our responsibility is long range planning, if we don't find the tools necessary to do this, then we have failed in our task. This is our one opportunity to make certain that we put in place a planning tool that allows good planning in Leesburg and the surrounding area.

Chairman Vaughan referred to the Purcellville Area Growth Management Plan. Commissioner Jones said it took them seven years to put that document in place, it does call for annexation, and Leesburg cannot put anything similar in place in four or five months. Commissioner Kalriess suggested that when they do their mapping exercise, they need to focus on that area. Commissioner Jones said they have not made any major changes to what has been in place for twenty years, they have only tweaked it. For this reason it keeps the uses for that area relatively the same. Mr. Kalriess said we have no policy statement regarding uses for that area. Ms. Swift said there are very specific policies in place for the area, especially around the airport.

Commissioner Kalriess offered to make the presentation to the Town Council on Monday, May 9. Mr. Jones asked if they could make individual comments regarding their position on the plan. Susan Swift once again said that they have requested one individual to give a presentation, but she does not know what the protocol will be for individual commentary. Mr. Kalreiss said they should have a handout that has the land use map in it to give to the Council and to create a position that they all agree upon.

Commissioner Barnes asked if the whole council invited the PC or did one member invite one PC member? Susan Swift replied that she understood that one councilmember asked any or all of the PC to attend.

### **COUNCIL AND REPRESENTATIVE'S REPORT**

None

**STAFF AND COMMITTEE REPORTS**

Susan Swift noted that they have been given a notice of a special meeting on Thursday, May 12, regarding the Crescent District Master Plan. This notice is also going to other Boards and Commissions and neighbors of the Crescent District.

There was a break at this time in order to reconvene in the lower level of the Building.

NOTE: The minutes from this point on were transcribed from notes due to faulty recording equipment.

Commissioner Wright arrived as the meeting reconvened in the lower level of the Town Office building.

David Fuller discussed the uses that the Commission had decided on on the land use map. Generally there was some discussion regarding residential use behind the WPCF, a small sliver of land west of the Greenway part of which is inside town limits and part of which is outside town limits and designation of open space. Further discussion centered on the recent approval of the Fort Evans commercial project. The use set out in the town plan is Community Office, the approved plan includes a large amount of retail and a smaller percentage of office space.

Commissioner Hoovler arrived shortly after 8:00pm.

There was some discussion about the land behind the schoolsite on Rt. 15N. which is currently zoned Rural Residential. Commissioner Jones asked if this should get an A-20 designation. This would just be a placeholder designation.

The location of the asphalt plant was addressed. It was determined that it would be located on the northside of Cochran Mill Road, which is designated heavy industry.

Commissioner Bangert asked which designation was set aside for cemeteries. There was no answer. Commissioner Jones commented that watersheds and ridges push some delineations further out.

With regard to the statement "individual projects may include up to 25% retail and up to 25% residential development measured in building square feet", Commissioner Jones asked how they arrived at this number. Commissioner Kalriess asked how the split occurred between office and residential? Out of 100,000 s.f., would 50,000 s.f. be office, 25,000 s.f. retail and 25,000 residential (condo)? Is 25% too high? Commissioner Jones said that why he has a problem with fixed percentages. Commissioner Wright said that the intent is not to have to exceed that percentage.

Commissioner Bangert said that the statement “the office component of a project should be the predominant use as construction occurs over time” is not a good statement. She has a problem with the term *over time*. She is afraid that this will cause some expectations about phasing and this could provide a loophole. She suggested deleting the term “over time”. With regard to “Such a project should combine uses vertically or horizontally to achieve convenience and walkability”, is this either/or or can both be used? Height needs to work with the topography. Should the building height statement be removed from the plan and used in the zoning ordinance only?

Commissioner Kalriess said they can avoid regional retail and promote neighborhood retail if there is transitional housing.

Chairman Vaughan noted that if a building is placed in a lower topographical point, it could potentially be a higher building. Mayor Umstattd said the major concern is that we do not have tall office buildings along the gateway into town.

Commissioner Bangert had a question on the 5% land area, excluding open space for natural resource protection or required landscaping, for well integrated outdoor use and amenity. She was unclear what this meant and asked if it wouldn't be better to do 10% more.

Commissioner Kalriess suggested that guidelines be strong and clear for future Commissions and Councils. Commissioner Jones agreed and said the instructions should be simplified for clarity. Mr. Kalriess also cautioned that the guidelines could be imposing too much on By Right uses, and suggested that they write down all of their thoughts and come to a consensus on expectations.

Susan Swift asked if they wanted a cap or not. Commissioner Wright said there should be a cap, but it should not have a number associated with it. Language is needed to explain the concept.

Bruce Douglas asked if they wanted a Fairfax Square type concept with office, retail, restaurant and residences created to encourage walking. These types of development are magnets.

There was further discussion on the percentage caps, should it drop? Do we add “not to exceed”? Can excluded uses such as malls be put in? Can retail be dispersed throughout the site? Do we integrate retail into office use? Commissioner Kalriess said they need to avoid a main street that has a big box on top of a parking structure. This would encourage regional retail, not neighborhood retail.

With regard to discussion on Community Commercial, Randy Greehan recommended that they be cautious and bring down the minimums. Redraw the land use map to indicate what is desired in the area. Reduce the floor area ratio for non-residential buildings from .20.

Commissioner Kalriess asked what purpose of the statement “offices should not exceed 30% of the non-residential building area” was? Commissioner Bangert said this probably won’t be a problem in today’s market. Should the statement be removed?

A question came up about the Meadowbrook mixed use application. Vertical residential is proposed. This would allow 166 housing units in this area. After some discussion it was decided to remove the residential units from the Meadowbrook commercial zone.

A new objective for LU-6 should try to keep certain parcels non-residential. These are basically small parcels scattered around town. However, the language needs to be clear and concise.

Commissioner Bangert had a question on the Revised Sector Objectives with regard to the area in Potomac Station. Does LU-11 allow for an additional 60,000 square foot store and other tenants at 10,000 square feet? Is this meant for the entire parcel, or just the northern portion.

The item referring to the proffer formula needs to be addressed now. We are losing development money for schools as it is currently written. Commissioner Wright suggested that we adopt a formula similar to one used by the County.

With regard to adding “emerging Technologies” to the land use objective, the question arose if we were setting up an expedited business area. The response was no, this was not really part of the plan.

Commissioner Jones asked if there was an airport district set aside in the plan. The only area is the noise overlay area, but much of that is already developed.

Commissioner Kalriess emphasized that there was nothing regarding the size of structures. He said the scale and massing of the building should keep with the character of the town.

Commissioner Bangert felt that the sentence locate high density (multifamily) residential use for the developable land between the South King Street Food Lion and Tuscarora Creek should say “medium density”.

Discussion ensued about county expansion within the by-pass. It was felt that business activity can’t flourish if government is allowed to expand too much, since government buildings would be void of people in the evenings and weekends.

With regard to a minimum 50 foot buffer in the Northeast quadrant, the question arose whether this should be in this area only, or as a standard town wide. Staff said that this can be addressed in the Zoning Ordinance and DCSM.

Commissioner Karliess had some concerns about the noise contours, traffic patterns and airport influence area. The 7500 foot area on either side of the centerline of the runway is

not realistic nor consistent. The flight pattern rectangle is where land use should be restricted. Also, notification needs to be given to all potential homeowners and businesses in the area. It was suggested that the airport commission be asked to comment on the recommendations.

Referencing the statement that suburban sprawl pattern should be protected, suggesting that more of the same type of development exacerbates traffic volume and congestion. The density statement, referring to low density residential development and mixed use, does not reflect what is requested or realistic.

Language in the sentence "Create a town-wide land use pattern that accommodates desired levels of population and employment growth. Add the words "desired levels"

There was discussion on the density language and whether additional density can be obtained by complying with all of the objectives listed. Commissioner Kalriess added that this could become subjective.

Commissioner Bangert said that disclosure packets regarding the airport are not currently being provided by all developers to potential homeowners. While this is not a town plan issue, there needs to be a way to enforce the provision of these.

There was some further discussion on the wording of the Nonresidential uses with regard to scale and compatibility with surrounding residential uses. The Commission felt the language should be changed. The way it is worded now, it could encourage businesses to locate in the wrong areas. Commissioner Jones commented on the lack of reference to the Crescent District in the Plan.

The meeting adjourned at 11:40pm

**Submitted by**

**Approved by:**

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**Linda DeFranco, Commission Clerk**

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**Clifton Vaughan, Chairman**



